

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LINCOLN NATIONAL COI
LITIGATION

Case No.: 2:16-cv-6605

IN RE: LINCOLN NATIONAL 2017 COI
RATE LITIGATION

Case No.: 2:17-cv-04150

**ORDER GRANTING CLASS COUNSEL'S MOTION FOR APPROVAL OF
COMMON FUND PAYMENT OF ATTORNEYS' FEES, LITIGATION
EXPENSES, AND SERVICE AWARDS**

AND NOW, this 5th day of October 2023, after presiding over these cases for nearly seven years, reviewing Class Counsel's Motion for Approval of Common Fund Payment of Attorneys' Fees, Litigation Expenses and Service Awards, (ECF 252 in Case No. 16-6605 and ECF 126 in Case No. 17-4150), all declarations and materials in support of the motions, the *Gunter* factors and other standards governing such awards, and conducting a hearing, (ECF 259 in Case No. 16-6605 and ECF 133 in Case No. 17-4150), the following is hereby **ORDERED** and **APPROVED**:¹

¹ These cases were aggressively litigated for roughly seven years. The Court and the Special Master adjudicated numerous issues supported in many cases by fulsome opinions. Class Counsel's request for 33% of the Final Settlement Fund is within the range deemed appropriate in this Circuit, particularly given the almost 34,000 hours of time devoted to the case. A lodestar cross-check of the percentage award confirms the fees' reasonableness. Counsel have obtained a substantial recovery, both monetary and non-monetary for the Class Members, none of whom object to Counsel's motion.

1. Attorneys' fees to Plaintiffs' Counsel totaling 33% of the Final Settlement Fund;
2. Litigation expenses to Plaintiffs' Counsel in the amount of \$2,345,671.06; and
3. Service awards in the amount of \$15,000 to each of following named Plaintiffs:
Robert Rombro, Harriet Kanter, Ivan a Mindlin, Alan Mindlin, Richard Weinstein, Lowell Rauch, Carol Anne Rauch, Bharti R. Bharwani, Robert A. Zirinsky, US Life 1 Renditefonds GmbH & Co. Kg and US Life 2 Renditefonds GmbH & Co. Kg, Barbara Valentine, Barry Mukamal, Patricia Trincherro, Marshall Lewis Tutor, Arthur Kesselhaut, William Lin Patterson and Milgrim Investments.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.

Counsel represented the class zealously and professionally through a very long and complex litigation with very real litigation risks, enhanced by the Court's initial denial of class certification.

Class Counsel's aggregate litigation expenses are also reasonable for cases of this duration and complexity, as are the requested service awards, particularly given the roles Counsel represented the Class Representatives played in the cases over the last seven years.